

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JANARI L. McKINNIE,

Plaintiff,

ORDER

v.

09-cv-188-bbc

MARK HEISZ, BRAD WOLFGRAM,
ALAN MORRIS, JANEL NICKELE and
GREG GRAMS,

Defendants.

As directed in this court's April 19, 2010 order, plaintiff Janari McKinnie has submitted a certified copy of his trust fund account statement so that a determination may be made whether he is indigent for the purpose of proceeding on appeal in forma pauperis and if he is, what amount must be assessed under the 1996 Prison Litigation Reform Act as an initial partial payment of the fee for filing his appeal. (In the April 19 order, I found that plaintiff's appeal is not taken in bad faith and that he is not barred by the three strikes provision of 28 U.S.C. § 1915(g) from proceeding with his appeal in forma pauperis.)

From plaintiff's trust fund account statement, I conclude that he is qualified for

indigent status. Further, I assess plaintiff an initial partial payment of the \$455 fee for filing his appeal in the amount of \$18.90.

IT IS ORDERED that plaintiff Janari McKinnie's request for leave to proceed in forma pauperis on appeal is GRANTED. Plaintiff may have until May 18, 2010, in which to submit a check or money order made payable to the clerk of court in the amount of \$18.90. If, by May 18, 2010, plaintiff fails to pay the initial partial payment or explain his failure to do so, then I will advise the court of appeals of his noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Further, the clerk of court is requested to insure that the court's financial records reflect plaintiff's obligation to pay the \$18.90 initial partial payment and the remainder of the \$455 fee in monthly installments.

Entered this 29th day of April, 2010.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge